

**4138. Misbranding of "Dr. Jones' Liniment." U. S. v. Morris Spiegel et al. (Dr. M. Spiegel & Sons). Plea of guilty. Fine, \$25. (F. & D. No. 6127. I. S. No. 9439-e.)**

On March 15, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morris Spiegel, Leonard J. Spiegel, and Jacob K. Spiegel, trading under the firm name of Dr. M. Spiegel & Sons, Albany, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 8, 1913, from the State of New York into the State of Georgia, of a quantity of "Dr. Jones' Liniment" which was misbranded. The article was labeled: (On carton) "Dr. Jones' (Trade Mark) Liniment for the Treatment of Rheumatism, Neuralgia, Sore Throat and Quinsy, Headache, Toothache, Backache, Bruises, Sprains, Lameness, Chilblains, Frost Bites. For Sale By All Dealers in Medicines, or sent Prepaid on Receipt of Price. Price, 50 Cents. Serial No. 891. Guaranteed under the Food and Drugs Act, June 30, 1906, by Dr. M. Spiegel, Manufacturer, Albany, N. Y." (On sides of carton) "This Liniment will penetrate with but slight rubbing when applied to the seat of pain. Do Not Heat It. If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced. Full Directions Inside. Dr. Jones' Liniment. This Liniment has been in use since 1869, and has become a favorite with thousands of families throughout every section of the United States for its soothing and healing properties in violent pains and aches. It is used for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Cold in the Chest and Lungs, Wounds, Bruises, Inflammation and Toothache. A pain killer that will banish these horrible afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents and should find a permanent home with every family. Thousands of people endorse the merits of Dr. Jones' Liniment for its benefiting effects. Price 50 Cents." (English Directions for using Jones' Liniment inside on blue paper. Similar statements in foreign languages.) (On top of box) "Clean! Safe! Efficacious!" (On bottle) "Dr. Jones' (Trade Mark) Liniment For The Treatment of Rheumatism, Neuralgia, Headache, Backache, Toothache, Bruises, Sprains, Lameness, Bunions, Chilblains, Colic, And All Bodily Pains. Serial No. 891. Guaranteed under the Food and Drugs Act, June 30, 1906, by Dr. M. Spiegel, Manuf'r. Albany, N. Y. Sold by dealers in Medicines. Price, 50 Cents. Used For Corn and Callouses. This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. Full directions with each bottle. Price, 50 Cents. Used on Man and Beast. Dr. Jones' Liniment requires but little rubbing. In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced. Do not heat the Liniment. Full directions with each bottle." (Blown in bottle) "Dr. Jones' Liniment." The booklet accompanying the article contained, among other things, the following: "Muscular Rheumatism. An attack of this disease often comes on suddenly. On awakening, the patient feels extreme pain when trying to make certain movements. Any muscle of the body is liable to an attack of muscular rheumatism. Apply Dr. Jones' Liniment to the muscles thus affected several times daily and the pains will disappear. Dr. Jones' Liniment has cured many hopeless cases. May it not do the same for you? There is no case so severe that it will not give immediate relief." "Dr. Jones' Liniment is compounded of the purest ingredients, scientifically combined, for rheumatism, neuralgia and their allied ailments, and is a specific for sciatica if used according to directions." "Dr. Jones' Liniment is applied externally with gentle rubbing, penetrates to the seat of pain at once, through the

pores of the skin, and gives permanent relief. May be used freely with safety and confidence."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be essentially a gasolene solution of oleo-resin of capsicum, oil sassafras, methyl salicylate, and, evidently, volatile oil of mustard. Fatty oil, other than that from capsicum, was not indicated.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the booklet aforesaid, to wit, "Muscular Rheumatism \* \* \* Dr. Jones' Liniment has cured many hopeless cases \* \* \* There is no case so severe that it will not give immediate relief," "Dr. Jones' Liniment \* \* \* is a specific for sciatica if used according to directions," were false and fraudulent in that, by means of the said booklet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for muscular rheumatism, and effective as a specific for sciatica if used according to directions; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for muscular rheumatism, or effective as a specific for sciatica if used according to directions or in any other manner. Misbranding was alleged for the further reason that the package of the article bore another statement regarding the therapeutic or curative effects thereof, to wit, "Crippled with rheumatism, was cured with Dr. Jones' Liniment," said statement being incorporated in the booklet aforesaid in manner and form as follows, to wit, "Crippled with Rheumatism, was Cured with Dr. Jones' Liniment.—'My wife was crippled and unable to walk, as the result of rheumatism. She fell off in weight from 160 to 113 pounds. Doctors and all kinds of remedies failed to help her. Having heard of the great cures Dr. Jones' Liniment was performing, I decided to try it as a last resort. A few applications gave us the assurance that we had at last procured the right article. She used nine bottles, in all, of your valuable preparation, and was entirely cured. She is around doing her housework and is as well as ever. I want all sufferers from rheumatism to know of this marvelous cure. I will gladly answer anybody wishing to write to me for information, knowing that I cannot serve or benefit suffering mankind in a better way than by inducing the use of your valuable preparation.' W. H. Kistler, 333 Wollard St., Atlanta, Ga.," which said statement was false and fraudulent in that it was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective as a cure for rheumatism; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective as a cure for rheumatism.

On April 6, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*